

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 233CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Christensen, 44.

Read first time January 23, 2008

Committee: Judiciary

1 THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA,  
2 SECOND SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2008 the  
4 following proposed amendment to the Constitution of Nebraska shall  
5 be submitted to the electors of the State of Nebraska for approval  
6 or rejection:

7 To add a new section 30 to Article I:

8 I-30 (1) The state shall not discriminate against, or  
9 grant preferential treatment to, any individual or group on the  
10 basis of race, sex, color, ethnicity, or national origin in  
11 the operation of public employment, public education, or public  
12 contracting.

13 (2) This section shall apply only to action taken after  
14 the effective date of this section.

15 (3) Nothing in this section prohibits bona fide  
16 qualifications based on sex that are reasonably necessary to the

1 normal operation of public employment, public education, or public  
2 contracting.

3 (4) Nothing in this section shall invalidate any court  
4 order or consent decree that is in force as of the effective date  
5 of this section.

6 (5) Nothing in this section prohibits action that must be  
7 taken to establish or maintain eligibility for any federal program  
8 if ineligibility would result in a loss of federal funds to the  
9 state.

10 (6) For purposes of this section, state shall include,  
11 but not be limited to, (a) the State of Nebraska, (b) any agency,  
12 department, office, board, commission, committee, division, unit,  
13 branch, bureau, council, or subunit of the state, (c) any public  
14 institution of higher education, (d) any political subdivision  
15 of or within the state, and (e) any government institution or  
16 instrumentality of or within the state.

17 (7) The remedies available for violations of this section  
18 shall be the same, regardless of the injured party's race, sex,  
19 color, ethnicity, or national origin, as are otherwise available  
20 for violations of Nebraska's antidiscrimination law.

21 (8) This section shall be self-executing. If any part or  
22 parts of this section are found to be in conflict with federal  
23 law or the Constitution of the United States, this section shall  
24 be implemented to the maximum extent that federal law and the  
25 Constitution of the United States permit. Any provision held

1 invalid shall be severable from the remaining portions of this  
2 section.

3           Sec. 2. The proposed amendment shall be submitted to the  
4 electors in the manner prescribed by the Constitution of Nebraska,  
5 Article XVI, section 1, with the following ballot language:

6           A constitutional amendment to prohibit discrimination and  
7 preferential treatment on the basis of race, sex, color,  
8 ethnicity, or national origin in the operation of public  
9 employment, public education, or public contracting by  
10 the state or any of its agencies, institutions, or  
11 political subdivisions.

12           For

13           Against.